

**Regular Meeting Minutes**  
**Tiverton Conservation Commission**  
**Wednesday, October 16, 2013**  
**Town Hall, 343 Highland Road, Tiverton, RI**

The meeting was called to order at 7:05 PM by Chairman Ramotowski.

**Members Present:** T. Ramotowski (chair), N. Cote, J. Grimard, P. Hilton, P. Mello, and R. Guimond.

**Members Absent:** None.

**Also Present:** W. Gerlach (Tiverton Town Council)

**I. Public Delegations:** Councilor Gerlach noted that the Audubon Society had requested a change in the Town's zoning ordinance to allow the detachment of a rented out house and barn from the remainder of the parcel it owns in south Tiverton. Audubon wants to divest itself of the structures as they are not part of its core business operations. To detach the structures from the rest of the parcel, a zoning change to R80 is needed (a residential zone needs to be created in the area to accept the house and barn parcel that would be created). The remainder of the parcel would stay as open space (wildlife refuge). The Planning Board supported the change.

**II. Approval of Minutes:** MOTION: Ms. Hilton moved approval of the minutes for the Commission's July 16, 2013 regular meeting as submitted. The motion was seconded by Ms. Cote.  
VOTE: The motion passed unanimously.

**III. Treasurer's Report:** Mr. Mello reported that the amount remaining in the Commission's budget was \$405.40 after an invoice in the amount of \$394.60 was paid to the Lloyd Center for the Watershed Watch Program. Ms. Cote stated that she would check with the Lloyd Center to verify that everything the Commission owed for the 2013 Watershed Watch Program had been paid. Chairman Ramotowski stated that he would look into purchasing a box of Commission stationary and envelopes.

Chairman Ramotowski noted that a request had been received from the Town Administrator's Office for a Commission budget for the 2014-2015 fiscal year. It was noted that some years, the Watershed Watch Program consumed almost all of the Commission's budget; therefore an increase in funding was needed. Discussion ensued as to whether a \$200 or a \$400 budget increase should be requested. Chairman Ramotowski stated that he would ask for \$1000 for the Commission for the next fiscal year, a \$200 increase over the current budget.

**IV. Brief Announcements:** Chairman Ramotowski noted that the local papers were reporting that the Town was in negotiations to purchase the gas station located next to Grinnell's Beach. Purchase of that building and lot had been a goal of the Commission for some time, and it was nice to see that the Town was finally going to make the purchase.

Mr. Mello stated that the Town needed to pay more attention to people and businesses being granted licenses "subject to meeting all legal requirements." Often, there is incomplete follow-up by Town officials to verify that all the legal requirements had been met. This is especially true for land-use regulations, which often do not appear to be reviewed at all (e.g., commercial uses in residential zones,

etc.). A checklist should be developed to ensure all areas that need to be checked are in fact checked by someone.

## **V. New Business:**

### *Closure of the Brayton Point Power Plant in 2017:*

Chairman Ramotowski noted that local newspapers had reported that the owners of the Brayton Point power plant planned to close the plant in 2017 because they were unable to obtain some environmental waivers that they claimed were needed for continued operations. The operation of the Brayton Point Plant has been an ongoing concern of the Commission because of the effects the plant has on the surrounding environment. The plant's cooling needs were blamed in the past for the significant decrease in fish in Mount Hope Bay, and the plant is a major source of air pollution that affects the Town of Tiverton when there are southeasterly breezes.

### *Request for Information RE: Algonquin Natural Gas Pipeline:*

Chairman Ramotowski reported that an inquiry had been made to the Commission concerning the Algonquin Pipeline. The Commission admitted that it did not know much about this pipeline other than the fact that it runs through a portion of South Tiverton. Councilor Gerlach stated that the pipeline owners had approached the Town Council about getting permission to construct a small extension of the Pipeline in Town. Shortly thereafter, the Town Council was told that there was no longer any interest in extending the Pipeline within Tiverton.

### *Buzzard's Bay Coalition Application for Accreditation/Request for Public Comments:*

Chairman Ramotowski reported that the Commission had received a letter asking for comments on the application of the Buzzard's Bay Coalition for accreditation. Comments are due to the accreditation agency no later than October 27, 2013. Ms. Cote volunteered to write a letter from the Commission in support of the application.

## **VI. Old Business:**

### *Tiverton Landfill as "Storm Debris Storage Area" for Newport County?*

Chairman Ramotowski distributed a copy of the letter he had written to the Town Council at the direction of the Commission opposing the proposal to use the Town Landfill as a storm debris storage area. He noted that a very similar version of the letter had been published in the *Sakonnet Times*. Councilor Gerlach indicated that the subject is no longer in front of the Town Council, but it will probably come back sometime in the near future after the plan is modified in view of the negative comments it received when it was first brought forward. The Town Administrator, Fire Chief and Public Works Director are working on a revised plan. It was the consensus of the Commission that the plan was still a bad idea.

### *Status of Sewering Initiative for North Tiverton:*

Chairman Ramotowski indicated that there were still unresolved issues concerning the sewerage of North Tiverton. Councilor Gerlach stated that the Town was in the process of getting a consultant on board who would then be assigned the task to write the enabling legislation to form a wastewater

management district in North Tiverton, a step that was needed to allow Town resident to qualify for low interest loans to help pay the cost of the sewer betterment fee.

Chairman Ramotowski outlined his concerns as follows:

- (1) The sewer project should not force people to develop presently undeveloped lots. The Town needs to determine how many such lots exist in the proposed sewer areas, and contact the owners to advise them that each lot of record would get a sewer stub (and hence a betterment fee assessment). Property owners in the affected areas should be given a free one-time option to combine small lots into one lot to avoid this problem.
- (2) The sewers should not enable environmentally sensitive lots (such as those containing a high proportion of wetlands) to be developed which previously had not been developable.
- (3) The high water table in some of the areas to be sewerred presents a problem due to the lack of a pre-existing drain system to handle groundwater getting into people's basements. In some cases, people have been able to connect pipes to the Town's storm drains to dispose of groundwater getting into their basements. In other areas, no Town storm drains are located nearby, and the affected residents simply pump the water into the street. Dumping the water into the street is not legal, however, and people doing that have received summons to the Municipal Court and had to pay fines. Once the sewer system is built, it will be possible for a resident to connect his/her basement groundwater discharge to the sewer pipe in his/her basement. Although this would solve the "dumping the water into the street issue", it will cause other problems because the sewer fee will be based upon water usage (so the resident would not be charged for diverting the groundwater discharge into the sewers) and the excess groundwater entering the sewer system would reduce the system's capacity to handle real sewage.

Chairman Ramotowski stated that he would attend a future Wastewater Management Commission meeting to discuss these issues in person with the members of that Commission.

#### *Review of "Watershed Protection Overlay District" Language/Tiverton Planning Board:*

It was the consensus of the Commission that the June 2013 joint meeting with the Planning Board to discuss possible changes in the watershed protection overlay district language in the Zoning Ordinance had not gone as well as had been hoped. There did not seem to be much interest or a sense of urgency on the part of the Planning Board members who attended the meeting to propose changes. An ad-hoc group from the Commission was proposed to take up the issue, and Commissioners Hilton, Mello and Cote volunteered to participate. The need for an improved "environmental checklist" was discussed, as was the fact that the waiving of environmental reviews should be decided by a Board or Commission, not a Town employee.

## **VII: Standing Committee Reports:**

### *Town Comprehensive Plan Review:*

Councilor Gerlach indicated that this issue would be discussed at the next Town Council meeting. There is a need to move the process forward, and to get all the people who had volunteered to serve on the review committee formally appointed.

### *Litter Prevention Initiatives:*

Ms. Cote noted that Litter Committee member Pat Sullivan wanted more Police involvement with enforcement of the trash disposal ordinance.

It was noted that a house was using a dumpster to collect and dispose of its trash. This practice could be viewed as a violation of the prohibition in the trash disposal ordinance regarding how early before pick-up trash may be placed outside. The trash in the dumpster is also not in bags (which may not be a problem, since the trash is not being disposed of in the Town Landfill). The dumpster is also being used to collect trash from family members who live at different addresses in Tiverton.

*Stafford Pond Issues Update:*

Chairman Ramotowski noted that additional time was needed to coordinate with residents living near the pond on what could be done to improve and maintain the quality of the water within the Pond. The new deadline for a report before the Town Council is early December 2013. A public hearing-type of meeting with members of the public and people who live on/near the shores of the Pond will be scheduled for early-mid November of 2013 (but before the Commission's regularly scheduled November meeting). Chairman Ramotowski stated that he would write letters announcing the meeting for publication in the *Sakonnet Times*, *Tiverton Patch*, *Newport Daily News* and *Fall River Herald*.

Chairman Ramotowski noted that RI-DEM had filed a lawsuit against the Town for enacting an ordinance that affected the large fishing tournaments it sponsored on Stafford Pond. RI-DEM had asked the Judge for immediate relief from enforcement of the requirements of the ordinance by the Town, but the judge ruled in favor of Tiverton, finding the rules the Town had enacted to protect the quality of drinking water from the Pond to be reasonable. Councilor Gerlach noted that the Town Clerk had sent letters to the organizers of the last two tournaments on the Pond for the 2013 season (both in September), informing them of the Town's new requirements. Both tournament organizers cancelled their tournaments, apparently because of the insurance requirements in the ordinance.

Ms. Hilton stated that she is concerned about the scope of the improvements RI-DOT wants to make to the area near the Bliss Four Corners intersection. Some of the area proposed for improvements is located within the Stafford Pond watershed. The Commission need to continually monitor the situation, especially if new storm drains are constructed that would send storm water into the pond from the roads.

Chairman Ramotowski reported that to date, no reply had been received from the FAA concerning the letter he had sent requesting the FAA look into the "seaplane landing field" designation given to Stafford Pond in view of the fact that it is a reservoir. Representative Edwards has offered to bring the issue to the attention of the State's Congressional delegation in an attempt to get the FAA's attention and cajole them to reply to the Commission's letter.

*Fogland Beach Issues Update:*

Chairman Ramotowski noted that the agreement between the Town and RI-DEM regarding operation of the boat launch at Fogland will expire in about a year's time. In the agreement, RI-DEM agrees to provide the Town with materials to maintain the boat launch in exchange for letting boat ramp users park their vehicles and trailers on Town property at Fogland. This issue needs to be brought up to the Town Council in the near future so a decision can be made to pursue a renewal of the agreement or to allow it to expire.

Chairman Ramotowski reported that residents in the Fogland area had complained about dogs running unleashed through the Conservation Area at Fogland, and damaging dune vegetation. A check of the ordinance governing Fogland and the Town's beaches indicated that dogs were not specifically forbidden from the Conservation Area at Fogland – the regulations about dogs only specifically address the beach areas. This section of the ordinance needs to be modified so there is a clear policy regarding dogs at Fogland. At the present time, the neighbors reported that the Town's Animal Control Officer will not do anything about the roaming dogs as long as they remain in the Conservation Area and do not stray onto the beach areas.

*Landfill Issues:*

Mr. Guimond reported that there had not been a Landfill Subcommittee meeting during the past couple of months, so there was nothing new to report.

**VIII. Adjournment:** The meeting adjourned at 9:40 PM

Minutes recorded by T. Ramotowski